

MINUTES
State Board of Education Meeting

Date
Thursday, December 8, 2011

Time
1:00 p.m.

Location
Rutledge Conference Center
1429 Senate Street
Columbia, South Carolina

Gerrita Postlewait, Chair
Dennis Thompson, Chair-elect
Mick Zais, PhD
State Superintendent of Education
Secretary and Administrative Officer to the Board

SBE Mission: The State Board of Education's mission is to provide a leadership role in helping South Carolina set policy and direction to transform teaching and learning so that students are prepared with the necessary knowledge and skills, including innovation, to compete globally and live a productive life.

I. WELCOME/PLEDGE OF ALLEGIANCE

The State Board of Education meeting convened at 1:10 p.m. Chair Postlewait called the meeting to order and led the audience in the Pledge of Allegiance.

The following State Board of Education (SBE) members were in attendance: Gerrita Postlewait, Chair, Fifteenth Judicial Circuit; Dennis Thompson, Jr., Chair-elect, Fourteenth Judicial Circuit; David Longshore, PhD, First Judicial Circuit; Tim Moore, Esq., Second Judicial Circuit; Bonnie Disney, Third Judicial Circuit; David Blackmon, PhD, Fourth Judicial Circuit; Rose Sheheen, Fifth Judicial Circuit; Dru James, Eighth Judicial Circuit; Larry Kobrovsky, Ninth Judicial Circuit; Marilyn (Lyn) Norton, EdD, Tenth Judicial Circuit; Barry Bolen, Eleventh Judicial Circuit; Michael Blue, Twelfth Judicial Circuit; Phillip Bowers, Thirteenth Judicial Circuit; and John Rampey, Sixteenth Judicial Circuit.

Absent with apologies was Josie Gaston, Sixth Judicial Circuit; Neil Willis, Seventh Judicial Circuit; and Mike Brenan, Governor's Appointee.

The following South Carolina Department of Education (SCDE) staff were in attendance: Charmeka Bosket, Deputy Superintendent for Policy and Research; Shelly Bezanson Kelly, General Counsel and Parliamentarian, Office of General Counsel; Barbara Drayton, Deputy General Counsel, Office of General Counsel; Mark Bounds, Deputy Superintendent, Division of School Effectiveness; Nancy Busbee, PhD, Deputy Superintendent, Division of Accountability; and Cindy Clark, Recording Secretary.

II. APPROVAL OF STATE BOARD OF EDUCATION MINUTES FOR STATE BOARD OF EDUCATION MEETING ON NOVEMBER 10, 2011

Chair Postlewait asked if there were any objections to approving the minutes for the SBE meeting on November 10, 2011, as presented. She called for a vote and the motion carried unanimously.

III. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR DECEMBER 8, 2011

Chair Postlewait stated that she would like to amend the agenda for the SBE meeting on December 8, 2011, so that guest presenters are able to conduct their presentations earlier than as presented on the agenda. Three of the four presentations were originally included in the ‘For Information’ section of the Policy and Legislative Committee portion of the agenda as items PL-13, PL-14, and PL-15. She said she would like these items moved to before the Public Comment section of the agenda and to be addressed in section VII. Guest Presentations.

The presentations include *Investing in Innovation in Education (i-3) Grant for Two New Tech High Schools in South Carolina*; *Findings and Implications, 2011 Report Cards*; *Report from Innovation Initiative Committee Co-Chairs*; and a presentation by Cindy Clark, Specialist, The Institute of History and Science.

John Rampey moved to accept the agenda as amended. Barry Bolen seconded the motion. The motion carried.

IV. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Chair Postlewait welcomed all visitors and members of the news media.

V. RECOGNITION OF OUTGOING STATE BOARD MEMBERS

Chair Postlewait recognized SBE members Phillip Bowers and Tim Moore, who are rotating off the Board, and thanked them for their service to the SBE and to the children of South Carolina. She presented each one with a plaque in appreciation of their efforts to improve public education. Chair Postlewait noted that Bonnie Disney will also rotate off the SBE when a new SBE member is appointed from the Third Judicial Circuit.

Chair-elect Dennis Thompson, Jr., recognized Chair Postlewait and thanked her for her tenacity, leadership, and service to the SBE and to the children of South Carolina. Mr. Thompson presented Chair Postlewait with a gavel set in appreciation of her service.

VI. STATE SUPERINTENDENT OF EDUCATION REPORT/RECOGNITIONS

A report from the State Superintendent of Education was not presented.

Linda Sinclair, South Carolina Presidential Awards Coordinator, recognized the recipients of the 2011 Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST) for South Carolina. The PAEMST is the highest recognition that a kindergarten through twelfth-grade mathematics or science teacher may receive for outstanding service in the United States. The teachers are recognized for their contributions to teaching and learning and their ability to help students make progress in mathematics and science. The recipients are as follows:

- Elissa Blosser, Eighth-Grade Mathematics, Forestbrook Middle School, Horry County School District, represented by SBE member Dr. Gerrita Postlewait
- Brooke Lance, Seventh-Grade Mathematics, Lakeside Middle School, Anderson School District Five, represented by SBE member Dr. Lyn Norton
- Matthew Owens, Eleventh- and Twelfth-Grade Mathematics, Spring Valley High School, Richland School District Two, represented by SBE member Rose Sheheen
- Ashlee Davenport, Ninth-Grade Physical Science and Twelfth-Grade Physics, Clinton High School, Laurens School District 56, represented by SBE member Dru James
- Melanie Longtin, Seventh-Grade Life Science, Wren Middle School, Anderson School District One, represented by SBE member Dr. Lyn Norton
- Holly Sullivan, Eleventh-Grade Chemistry, Advanced Placement Chemistry, and Twelfth-Grade Physics, Lugoff-Elgin High School, Kershaw County School District, represented by SBE member Rose Sheheen

VII. GUEST PRESENTATIONS

1. **Investing in Innovation in Education (i-3) Grant for Two New Tech High Schools in South Carolina**—Matt Williams, KnowledgeWorks, and Jacki Martin, The Riley Institute at Furman

Chair Postlewait welcomed and introduced Matt Williams who gave a presentation on Investing in Innovation in Education (i-3) Grant for two new tech high schools in South Carolina. Through the work of the KnowledgeWorks foundation and supported by The Riley Institute and others, South Carolina was fortunate enough to receive one of these grants.

Matt Williams stated that i-3 grants were secured for two school districts in South Carolina. They are Clarendon School District One and Colleton County School District. Mr. Williams gave

some background information on KnowledgeWorks. He said KnowledgeWorks is focused on high school transformation and on the future of education. In partnering with the districts, they will set up schools to be training centers that will involve one-to-one computing environments, project-based learning, and interdisciplinary education. Students will work in groups and teachers will teach in teams and will find linkages to the workplace. The i-3 project grant's priority involves science, technology, engineering, and mathematics (STEM) and will provide \$2.9 million in federal funding and \$450,000 in private-sector funding. Partnering with higher education, college and career readiness students will graduate with a minimum 12 hours of college credit in addition to their high school diploma. Mr. Williams added that this investment is a one-time federal investment in terms of education and economic development, and he said the investment is seed funding. South Carolina will be a leverage point and leader in the southeastern United States. KnowledgeWorks is looking at how to sustain this initiative beyond the grant application in South Carolina and recognizes this is a great opportunity for South Carolina to grow new tech environments.

Chair Postlewait welcomed and introduced Jacki Martin who also gave a presentation on the Investing in Innovation in Education (i-3) Grant for two new tech high schools in South Carolina.

Jacki Martin said she is pleased that South Carolina has a relationship with KnowledgeWorks Foundation and pleased that the Riley Institute at Furman is working with Clarendon and Colleton counties to bring this powerful model to bear. She said that Dr. Rose Wilder, Superintendent of Clarendon School District One, mentioned that the visibility of a brass ring would give students the incentive to ready themselves to enter businesses that rely on employees who have been educated in technology-career readiness. Boeing will give the students the brass ring since it is close to both schools. Boeing officials said they are seeing less workers with STEM skills in South Carolina and on a national level. Ms. Martin said that preparation received in high school will ready students to enter college and enter the workplace and succeed. Many local businesses have contributed funds towards this new tech model. She added that the SBE members can help by using their influence to put the Riley Institute in touch with appropriate partners and help bring the word to them about the value that this program can bring to their communities.

Larry Kobrovsky asked about the source of the i-3 development grant program and if it is part of the stimulus money. Matt Williams answered that it was originally part of the stimulus money and that last year additional funds were put into the regular federal budget.

Chair Postlewait said that winning this grant is good news for South Carolina, and she thanked Mr. Williams and Ms. Martin for their presentations and their efforts to carry out the intentions of the i-3 grant program.

2. Findings and Implications, 2011 Report Cards—Melanie Barton, Executive Director, Education Oversight Committee

Chair Postlewait stated that one of the major goals of the SBE this year was to establish an evidence-based innovation effort in SC to clarify what kinds of practices can be spread across South Carolina, especially to areas of poverty, to reallocate resources in ways that will yield a

much higher return. She said that a steering committee was established at the last SBE meeting, and Trip Dubard of SC Future Minds and Melanie Barton, Executive Director of the Education Oversight Committee (EOC), were asked to chair the committee along with the SBE Chair. Chair Postlewait then welcomed and introduced Melanie Barton. She stated that we must acknowledge where we are in the innovation effort and that Ms. Barton would explain where we are.

Melanie Barton stated that the EOC has commissioned two studies to help with the innovation; (1) an analysis of the regulatory policies and (2) an analysis of the financial restrictions that school districts have. Copies will be posted on the EOC Web site in January 2012.

Ms. Barton said that the annual district and school report cards were issued November 10, 2011. The report provides a one-year snapshot for 2010–11 and a five-year analysis of student achievement. She stated that trend data show high gains in one area and concerns in another area. In 2011, 27 percent of our schools are excellent. Another 18 percent are good, 39 percent are average, 10 percent are below average, and 6 percent are at-risk. One in five schools improved last year, and 6 percent went down. One in three students are in schools with an excellent rating. However, we still have 10 percent in underperforming schools (below average and at-risk). There were gains made despite significant challenges that poverty brings in our state. Our poverty index, based on students eligible for free and reduced-price lunch and/or Medicaid, went from 67.7 in 2010 to 68.5 in 2011. Ms. Barton added that 63 percent of our schools had poverty over 70 percent, and about one-fourth had poverty over 90 percent. With this poverty, there were 13 schools that had poverty indexes over 90 percent and were excellent or good this year. In 2011 there were 11 excellent districts, 22 good, nine below average, and nine at-risk. She said that 26 improved their rating and nine had declined; the rest remained the same.

Concerning trends, Ms. Barton said that on the positive side, more districts and schools scored excellent this year than last year. Thirty-nine percent were good or excellent in 2010; now there are 45 percent. At the high end, we are growing. We had 32 school report cards that improved from 2009 to 2010 to 2011 in their absolute rating. She stated that 160 schools in our state have been excellent for three consecutive years. On the other hand, we still have 69 at-risk schools, which is the same number we had last year. The EOC's vision statement says that we need to have zero schools in that category by 2020. It is intolerable to have any school at the at-risk level. Thirty-seven schools had at-risk ratings for all three years. When we look at the three-year performance of those underperforming schools, 60 percent were still underperforming after three years.

Ms. Barton championed significant changes that are happening at the top end. She said that Darlington County has the fifth-highest absolute index in the state. That district came from below average in 2009 to fifth highest in the state with a poverty index of 82 percent. Spartanburg School District Six moved in one year from average to excellent. She stated that when one looks at the top 11 school districts now in our state, one does not see the same lists. What is seen is rural, suburban, small, high-poverty, low-poverty, and enrollments from 1,400 to 23,000. They have found their own techniques for improving. High academic achievement has come to the state in the top level. Ms. Barton said that it can be done, and has to be done,

because those 10 percent of children in the lower end of our state have entrusted it to all of us to make sure they get a great education; they are our focus.

David Longshore asked what total criteria changes were made when South Carolina moved from PACT to PASS. He also asked what the changes were and what year they went into effect. Ms. Barton said that the year was 2009, and we are now comparing apples to apples. We also have a high school graduation rate and a fifth-year graduation rate, which is very important.

Chair Postlewait stated that there is a need for urgent action and that we must have a collaborative effort and the SBE's attention moving forward.

3. **Report from Innovation Initiative Committee Co-Chairs**—Trip Dubard, South Carolina Future Minds; Melanie Barton, Executive Director, Education Oversight Committee; and Gerrita Postlewait, Chair, State Board of Education (This item was combined with Item PL-12, Status Report: 2011 Committee Goal.)

Chair Postlewait welcomed and introduced Trip Dubard.

Mr. Dubard stated that he is pleased with the cooperation and the work that has been done by KnowledgeWorks, the Riley Institute, and the steering committee. He said that the steering committee used the guidelines that the SBE developed to see how to organize the innovation initiative effort. He reviewed the branches of the steering committee including the innovation network, the incubator schools, and assessing, recognizing, and evaluating the programs. Along with cooperation from the current partners in this effort, it is hoped to incorporate the support of education networks and groups such as the South Carolina Association of School Administrators and the South Carolina School Boards Association. Mr. Dubard thanked those who participated on the steering committee and said the group of branch supporters will keep growing.

John Rampey asked Mr. Dubard how he will incorporate the support of companies who are not directly involved in education. Mr. Dubard answered that he welcomes all suggestions for bringing in the support of any businesses and companies that are interested in contributing toward the innovation effort.

Chair Postlewait thanked Mr. Dubard and stated that the innovation initiative is most critical for the SBE. She added that the SBE is happy to be moving forward and to be part of this initial impetus. Chair Postlewait said that leadership for effective change is essential to the success of the public school system in South Carolina. She stated that it will require research to determine the changes required in our schools.

The last presentation was made by Cindy Clark, former SBE member and currently the Education Specialist for the Institute of History and Science, U.S.S. Yorktown. Ms. Clark gave information on the educational programs available to students. She said the Institute at Yorktown is incorporating the Common Core State Standards (CCSS) in the fifth-grade program. This program is centered around the Medal of Honor Museum, which incorporates literacy and is history-based. Ms. Clark also summarized the Science Center available on the ship.

VIII. PUBLIC COMMENT

Christopher Wooten, former Brentwood Middle School student, spoke regarding his concern on bullying and harassment of some students and teachers at this school during the time he attended. He wants the SBE to investigate the schools where ex-employees may now be employed.

Dr. Jennifer Coleman, Chair, Testing and Accountability Roundtable, spoke on the lack of historical and usable data available from the SCDE's Web site. She said the format needs to be user-friendly and available as it was in the past.

Cindy Clark, former SBE member and currently the Education Specialist for the Institute of History and Science, U.S.S. Yorktown, spoke on "SBE" which is another acronym for service, betterment of our state, and education. She said she wanted to take the opportunity to say she valued and enjoyed the privilege of serving on the SBE. She is proudest of the Darkness to Light program in which she participated and the legislation of background checks on substitute teachers.

After a two-minute break, the SBE reconvened.

Chair Postlewait stated that she hopes the SBE Chair-elect will consider asking Dr. Wayne Brazell, District Superintendent, Charter School District, to make a presentation to the SBE in 2012 on his experience with charter school regulations, report card information, the challenges of dealing with charter schools whose performance was less than organizers hoped, and the idea that charter schools would fit neatly inside the nucleus of incubators for innovation. She said this would signal that the SBE views charter schools as part of the public school system and sees them as seedbeds for innovation.

IX. PUBLIC HEARING

FOR APPROVAL

PH-01

Promulgate Amendments to State Board of Education (SBE) Regulation 43-274.1, At-Risk Students (Second Reading)—Dr. Sabrina Moore, Director, Office of Student Intervention Services, Division of Accountability

Chair Postlewait provided an overview of the proposed amendments and stated that the changes involve amending the acronyms we use for the State Department of Education, Power School rather than SASI, and PASS replacing PACT.

Chair Postlewait asked for the question. Rose Sheheen moved approval of this item. Dru James seconded the motion. Chair Postlewait asked for a vote on the approval of the proposed amendments to State Board of Education (SBE) Regulation 43-274.1, At-Risk Students (Second Reading). The motion carried.

PH-02

Proposed Amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs 43-53 (R 43-53) (Supp. 2009), Credential Classification (Second Reading)—Kathryn Meeks, PhD, Interim Director, Office of Educator Evaluation, Division of School Effectiveness

Chair Postlewait provided an overview of the proposed amendments and stated that the changes involve providing current language regarding contract levels and educator evaluations. Also, the amendment creates a new type of certificate, the Limited Professional Certificate, that provides an advanced, renewable certificate for eligible educators employed in non-regulated school settings. This certificate is for teachers in South Carolina who are not currently using the ADEPT system and allows them to teach on an annual contract basis.

Chair Postlewait asked for the question. Barry Bolen moved for approval of this item. Phillip Bowers seconded the motion. Chair Postlewait asked for a vote on the approval of the proposed amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs 43-53 (R 43-53) (Supp. 2009), Credential Classification (Second Reading). The motion carried.

PH-03

Proposed Amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs 43-62 (R 43-62) (Supp. 2009), Requirements for Additional Areas of Certification (Second Reading)—Allison Jacques, PhD, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness

Chair Postlewait provided an overview of the proposed amendments and stated that the changes involve educators who work with youth who live in poverty. She said this policy originated in a proviso last year with \$350,000 set aside for the program.

Chair Postlewait asked for the question. Dru James moved for approval of this item. John Rampey seconded the motion. Chair Postlewait asked for a vote on the approval of the proposed amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs 43-62 (R 43-62) (Supp. 2009), Requirements for Additional Areas of Certification (Second Reading). The motion carried.

PH-04

Proposed Amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs 43-601 (R 43-601), Procedures and Standards for Review of Charter School Applications (Second Reading)—Montrio Belton, PhD, Director, Office of School Transformation

Chair Postlewait provided an overview of the proposed amendments and stated that the changes are highlighted in a handout provided to the SBE members. She said this policy revision is proposed so that South Carolina can continue to receive federal funds to support the development of charter schools. There are two stipulations: one is to indicate that the primary criterion for consideration in the renewal of a charter school application is student academic achievement, and the second is that charter schools that receive federal funds must undergo annual audits.

Chair Postlewait asked for the question. Dr. David Blackmon moved for approval of this item. Bonnie Disney seconded the motion.

Larry Kobrovsky stated that he is concerned that this will be a way to shut charter schools down and that they would not be treated the same way public schools are treated. He said we need to apply the same standards to both public and charter schools. Chair Postlewait and Charmeka Bosket explained that it is the school's choice to apply for these funds. Tim Moore asked what the SCDE's position is on accepting federal funds with strings attached for any schools whether public or charter. Chair Postlewait stated that the SBE is interested in understanding the SCDE's decision-making parameters around the receipt of federal funds. She added that this is a matter that should be placed with Dr. Zais. Dr. Montrio Belton commented that we are currently out of compliance.

After discussion, Chair Postlewait asked for a vote on the approval of the proposed amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs 43-601 (R 43-601), Procedures and Standards for Review of Charter School Applications (Second Reading). The motion carried.

X. STATE BOARD ITEMS

EP EDUCATION PROFESSIONS

Committee Report—David Longshore, Chair

David Longshore reported that there was one action item placed on the consent agenda and stated there were two items for presentation to the SBE as follows.

FOR INFORMATION

- 01. Programs Voluntarily Terminated by Institutions of Higher Education**—Allison Jacques, PhD, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness

David Longshore gave an overview of the report given by Allison Jacques, PhD, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness.

- 02. Education Professions Committee Goals Update**—Mark Bounds, Deputy Superintendent, Division of School Effectiveness

David Longshore stated that the EP Committee Goals Update will be given in January 2012 during the SBE meeting.

PL POLICY AND LEGISLATIVE

Committee Report—Gerrita Postlewait, Chair

Gerrita Postlewait reported that there were five items placed on the consent agenda and stated that there were eight items for presentation to the SBE as follows.

FOR INFORMATION

- 02. Instructional Materials Allocation Methodology 2011–12 School Year**—Bruce Shealy, Office of Finance, Instructional Materials Section, Office of Chief Finance Officer

(This item was discussed in committee but not reported upon during the full board meeting.)

- 06. Set Board Calendar and Dates for Board Development and New Board Member Orientation**—Dennis Thompson, Chair-Elect, State Board of Education

Dennis Thompson stated that the Board Development meeting will depend on when all new members are appointed. For now, this meeting may be held in February 2012. Because of the appointment timeline, Chair Postlewait said it is too early to set a date.

Mr. Thompson said the SBE needs to decide on which day to meet for regular SBE meetings: the second Wednesday or the second Thursday of each month. Dr. David Longshore moved that the SBE go back to meeting on Wednesdays. The motion was seconded. Chair Postlewait called for a hand vote, and the motion passed.

The New Board Member Orientation will be on January 11, 2012.

- 07. Board Budget through June 2012**—Dennis Thompson, Chair-Elect, State Board of Education

(This item was discussed in committee but not reported upon during the full board meeting.)

- 09. Update on ESEA Flexibility Requirements**—Charmeka Bosket, Deputy Superintendent, Policy and Research

(This item was discussed in committee but not reported upon during the full board meeting.)

10. **Proposed Board Committee Structure for 2012**—Dennis Thompson, Chair-Elect, State Board of Education

Dennis Thompson stated that he would like for the SBE to continue with the four committees already established and reinstate the Innovations and Finance (IF) Committee.

11. **Status Report: Restoration of School and District Access to Longitudinal Data through the Department Web Site**—Charmeka Bosket, Deputy Superintendent, Policy and Research

12. **Status Report: 2011 Committee Goal**—Gerrita Postlewait, Chair, State Board of Education (*This item was combined with Item PL-15, Report from Innovation Initiative Committee Co-Chairs.*)

16. **State Board Transparency and Accountability in Application for Funds Policy/Rule**—Charmeka Bosket, Deputy Superintendent, Policy and Research

Chair Postlewait stated that the transparency and accountability report is due to the SBE today. Ms. Bosket stated there is no report at this time and that Dr. Zais's position has not changed.

SLA STANDARDS, LEARNING, AND ACCOUNTABILITY

Committee Report—Dru James, Chair

Dru James reported that there were two items placed on the consent agenda and five items for presentation as information to the SBE as follows:

FOR INFORMATION

03. **Update on the Fiscal Impact Study Contract to Provide Costs for the Assessment Options for 2014–15**—Elizabeth Jones, Director, Office of Assessment, Division of Accountability

Elizabeth Jones gave an overview of the Fiscal Impact Study Contract and stated that the SCDE signed a contract with Assessment Solutions Group. The SCDE asked this company to provide costs in two different phases. Phase one will give the costs on the four testing options. Phase two will provide the cost for districts to become computer-ready for assessment. There will be no cost for the consortia to conduct a survey to collect this information, but there has been a delay with the company that will write the survey, and it is not yet available.

Dru James added that there is a capacity to find out certain information without having to wait on the survey, and the Committee may investigate potential cost savings.

Dr. David Longshore asked about the timeline for testing, and Ms. Jones said that the districts have varying windows of timelines.

- 04. Update from Instructional Leaders Roundtable**—Dr. Gigi H. Outz, Associate Superintendent of Teaching and Learning, Greenville County Schools

Dr. Gigi Outz gave a PowerPoint presentation to update the SBE on the Instructional Leaders Roundtable. Dru James asked if district infrastructure will be available, and Dr. Outz said she thinks we have a good infrastructure ready at this time.

Larry Kobrovsky said he understands that the SBE no longer has any say in which textbooks are adopted. Dr. Outz stated that vendors will write textbooks paired with CCSS standards and that South Carolina school districts will be able to choose the textbooks adopted.

- 05. Instructional Materials Substitution**—Charmeka Bosket, Deputy Superintendent for Policy and Research

Charmeka Bosket reported on a substitution option offer presented to the SCDE by a publisher. This option would allow publishers to substitute materials based on updates made to material already adopted. It is also an opportunity for students to receive new mathematics books. Beginning with the 2012–13 school year, new mathematics books will be rolled out from state funding. This is good news, as students have not received new books in quite some time.

- 06. Update on Common Core State Standards in South Carolina**

(This item was discussed in committee but not reported upon during the full board meeting.)

- 07. Status Report: 2011 Committee Goal**—Dru James, Chair, Standards, Learning, and Accountability Committee, State Board of Education

Dru James reported on the assessment-decision portion of the SLA Committee goal and stated that more discussion will be held in January. She said she hopes that a topic of conversation during the Board development portion of the January meeting will be the CCSS.

XI. CONSENT AGENDA

The following items were approved in committee and placed on the Consent Agenda:

Education Professions (EP)

01. **Professional Review Committee (PRC) Recommendations for Accreditation Decisions of the Educator Preparation Units at the University of South Carolina (USC Upstate) and Erskine College**—Allison Jacques, PhD, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness

Policy and Legislative (PL)

01. **Request for Approval of Property Disposal—Pickens County School District**—Steve Jenkins, Engineer, Office of School Facilities, Division of Operations and Support
03. **Governor's School for the Arts and Humanities Waiver Request of S.C. Code Ann. Section 59-1-425(A)**—Darlene Prevatt, Office of Federal and State Accountability, Division of Accountability
04. **Proposed Amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs 43-234, Defined Program, Grades 9–12 (First Reading)**—Darlene Prevatt, Office of Federal and State Accountability, Division of Accountability
05. **Proposed Amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs 43-259, Graduation Requirements (First Reading)**—David Stout, Ed.D., Director, Office of Adult Education, Division of Accountability
08. **Request for SCDE Office of General Counsel to Advise the Board in Matters in Which No Conflict of Interest Exists between the Board and the South Carolina Department of Education**—Gerrita Postlewait, Chair, State Board of Education

Standards, Learning, and Accountability (SLA)

01. **Instructional Materials Report from the 2011 Instructional Materials Review Panels**—Charmeka Bosket, Deputy Superintendent, Policy and Research
02. **Recommendations from the Instructional Materials Advisory Committee**—Charmeka Bosket, Deputy Superintendent, Policy and Research

Michael Blue moved to approve the consent agenda as presented. Dr. Lyn Norton seconded the motion. The motion carried.

XII. LEGISLATIVE REPORT AND REQUESTS REGARDING REGULATIONS

Charmeka Bosket, Deputy Superintendent for Policy and Research, Office of Policy and Research

Charmeka Bosket reported on the General Assembly's submission of prefiled legislation for the 2012 legislative session. Concerning the appropriations process, she stated that the House Ways and Means Committee notified the SCDE of the anticipated meeting dates. This relates to the SBE's budget status and their 2012–13 appropriation request. Ms. Bosket also gave an update on the SBE's budget; as of December 1, 2011, the balance was a little less than \$21,000.

XIII. EXECUTIVE SESSION FOR RECEIPT OF LEGAL ADVICE

Chair Postlewait stated that Michael H. Montgomery will give a presentation on the legal authority, relationships, and responsibilities of the SBE and the State Superintendent of Education. Mr. Montgomery will provide to the SBE information regarding existing statutes and the State Attorney General's opinions. Chair Postlewait stated that the SBE will receive Mr. Montgomery's legal opinion publicly and will then go into Executive Session.

Larry Kobrovsky asked who is paying for Mr. Montgomery's legal opinion. Chair Postlewait responded that the funding source for Mr. Montgomery's legal advice is the same funding source that the SBE uses for Shelly Kelly's legal advice. The SCDE sets aside funds for the SBE, and this is part of the SBE's budget that includes the receipt of legal advice. She said that in the last meeting it was clarified that the SBE never approved a budget for this year and that the SBE budget will need to be reconciled. In the meantime, however, it was decided that legal advice will be paid for out of the existing SBE budget. Mr. Montgomery then gave his presentation. He concluded that his opinion is that the State Superintendent of Education (SSE) is legally obliged to carry out the policies adopted by the SBE.

After Mr. Montgomery's presentation, the SBE went into Executive Session. When the SBE came out of Executive Session, Barry Bolen motioned that the SBE direct the Chair, Chair-elect, and SBE counsel to approach the SSE and his counsel to resolve the disagreement about the statutory authority of the SBE and the SSE. If unable to reach a satisfactory resolution by December 23, 2011, the SBE authorizes the SBE's attorney to proceed with appropriate legal action to resolve these disagreements. The motion was seconded by Dr. Lyn Norton. The motion carried. (It is noted that the SBE members not present for the vote were Phillip Bowers, Mike Brenan, Josie Gaston, and Neil Willis.)

XIV. BOARD COMMENTS

Bonnie Disney commented that she is proud of the SBE for recognizing the importance of students, parents, and constituents in carrying out their duties. Tim Moore stated that he congratulates the legislature on selecting an outstanding group of South Carolina citizens to serve on the SBE and that he appreciates their efforts to serve the children of South Carolina over the past four years. He said he hopes the SBE will continue moving past the 18th and 19th century mindset to recognize the importance of education. Dr. David Longshore said that he has enjoyed working with the SBE members and

commended Chair Postlewait for her ability to deal with this year's issues and for her service to the SBE over the past four years. Larry Kobrovsky stated that he reiterates his support for Dr. Zais's decision not to take the Race to the Top money. He would like for everyone to move forward without unnecessary conflict and confrontation.

XV. OTHER BUSINESS

On behalf of all the SBE members, Chair Postlewait, Dennis Thompson, and Dr. David Blackmon thanked Charmeka Bosket for her dedication and for keeping the SBE informed on a regular basis. They also thanked Shelly Kelly for her assistance this year as well as Nancy Busbee, Mark Bounds, and their staff members. Appreciation was extended to Wendy Cartledge, Paul Bozard, and Jim Turner for their efforts regarding the teacher cases and to the SBE committee administrative assistants: Tammy Jeffers, EP Committee; Noelle Redd, PL Committee; and Leslie Dawes, SLA Committee. Also, thanks were extended to those directly involved in making sure the SBE had everything needed for successful meetings this year: Don Cantrell, John Bauchatz, Pieter Cargill, and Karen Shamburg for technical support during the SBE meetings; Laura Bayne for recognitions and color-guard photography; Dr. John Holton, SBE Web Content Liaison, and Bruce Moseley for coordinating the color-guard program. The SBE members expressed appreciation to Meme McCampbell for lunch assistance; to Renette Greene-Davis, SCDE receptionist, for greeting and preparing name badges for visitors and guests who attend the SBE meetings; and to Cindy Clark, SBE Recording Secretary.

Outgoing Chair Gerrita Postlewait presented the gavel and oath of office to incoming Chair Dennis Thompson, Jr.

Chair Postlewait said that it has been a privilege and a challenge to serve on the SBE, but she is disappointed concerning the actions that the SBE is taking due to reasonable differences of opinion about the roles and responsibilities of the SBE and the SSE. She added that she wants all members to be wildly successful at focusing on robust standards, providing students with an entire vista of instructional materials, strategies, and supports to ensure that we move in ways we have not been able to move before in a somewhat archaic system in our state. Chair Postlewait also said that she wishes the SBE Godspeed in finding evidence-based approaches and solutions that will bring levels of success to underserved children in South Carolina, something that we have found elusive in the past. She wishes the SBE all the best.

XVI. ADJOURNMENT

There being no further business, the SBE adjourned at 5:45 p.m.